



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 29, 1996

Ms. Roberta A. Lloyd
Assistant County Attorney
Harris County Attorney
1001 Preston, Suite 634
Houston, Texas 77002-1891

OR96-0109

Dear Ms. Lloyd:

You ask whether certain information is subject to required public disclosure pursuant to chapter 552 of the Government Code. Your requests were assigned ID#s 35412 and 32890.

The Harris County Sheriff's Constables Offices (the "county") have received ongoing requests for weekly disclosures of all automobile accident reports from two different requestors. You contend that because these are standing request for information, you are not required to comply with the request pursuant to chapter 552 of the Government Code. Additionally, you contend that the information requested is excepted from required public disclosure pursuant to section 552.101.

Under chapter 552 of the Government Code, the county is not required to comply with a standing request for information to be collected or prepared in the future. *See* Attorney General Opinion JM-48 (1983). However, because there is a nothing to prevent the requestors from making daily requests for newly created accident reports, this office will rule on the records at issue that the requestors may seek in the future.

The Seventy-fourth Legislature amended article 6701d, section 47, Vernon's Texas Civil Statutes, in House Bill 391 to provide that a law enforcement agency employing a peace officer who made an accident report is required to release a copy of the report on request to, among others, a person who provides the law enforcement agency with two or more of the following: (1) the date of the accident, (2) the name of any person involved in the accident, or (3) the specific location of the accident. Act of May 27, 1995, 74th Leg., R.S., ch. 894, §1, 1995 Tex. Sess. Law Serv. 4413 (Vernon). This amendment took effect September 1, 1995.

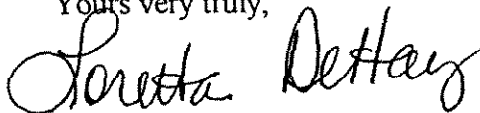
We note that the current requests were made before the effective date of House Bill 391. However, we conclude that the fact that the current open records requests were made before the effective date of House Bill 391 has no effect on the availability of the requested records. Section 552.303 of the Government Code provides in pertinent part:

A governmental body that requests an attorney general decision under this subchapter shall supply to the attorney general the specific information requested and shall not disclose the information to the public or to the party requesting the information *until the attorney general makes a final determination* or, if suit is filed under this chapter, until a final decision has been made by the court with jurisdiction over the suit. [Emphasis added.]

An individual's right to information requested under chapter 552 of the Government Code vests only upon the final determination by either the attorney general or a court that the information is public. *See generally Houston Independent School District v. Houston Chronicle Publishing Company*, 798 S.W.2d 580, 588-89 (Tex. App.--Houston [1st Dist.] 1990, writ denied). Because the requestor's right to the information at issue did not vest before the enactment of House Bill 391, we conclude that the newly enacted amendment to 6701d, section 47, as provided in House Bill 391, controls. Therefore, the requested accident reports are confidential unless the requestors provides the information described above.

If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Records Division

LRD/ch

Ref: ID#s 35412, 32890

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